

Judiciary Appropriations Committee

Wednesday, February 15, 2006

9:00 a.m.

306 House Office Building

ACTION PACKET

COMMITTEE MEETING REPORT

Judiciary Appropriations Committee

2/15/2006 9:00:00AM

Location: 28 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Jeffrey Kottkamp (Chair)	X		
Edward Bullard	X		
Mark Mahon	X		
Juan-Carlos Planas	X		
Dennis Ross			X
John Seiler	X		
Totals:	5	0	1

COMMITTEE MEETING REPORT
Judiciary Appropriations Committee
2/15/2006 9:00:00AM

Location: 28 HOB

Workshop

Budget Workshop

Continuation of presentations and discussions from previous day's agenda

Appearances:

Bill Cervone (State Employee) - Information Only

State Attorney Allocation Methodology
State Attorney, 8th Judicial Circuit
120 W. University Avenue
Gainesville FL 32601
Phone:(352) 374-3686

Brad King (State Employee) - Information Only

State Attorney Allocation Methodology
State Attorney, 5th Judicial Circuit
19 North Pine Avenue
Ocala FL 34471
Phone:(352)620-3704

Bruce Colton (State Employee) - Information Only

State Attorney Allocation Methodology
President, Florida Prosecuting Attorney Association; State Attorney, 19th Judicial Circuit
411 South 2nd Street
Fort Pierce FL
Phone:(772) 462-1300

Joe Whitley (State Employee) - Information Only

State Attorney Allocation Methodology
Executive Director, Office of State Attorney Willie Meggs
301 South Monroe Street Suite 475
Tallahassee FL 32399-2550
Phone:(850) 606-6015

Judge Charles A. Francis (State Employee) - Information Only

Article V Technology Board
Chair, Article V Technology Board
Leon County Courthouse Room 365 A
Tallahassee FL 32301
Phone:(850) 577-4306

Michael J. Satz - Information Only

State Attorney Allocation Methodology
State Attorney, 17th Judicial Circuit
201 SE 6th
Fort Lauderdale FL 33301
Phone:(954) 831-6955

COMMITTEE MEETING REPORT
Judiciary Appropriations Committee
2/15/2006 9:00:00AM

Location: 28 HOB

Rick Parker (State Employee) - Information Only

Public Defender Allocation Methodology

Public Defender, 8th Judicial Circuit

PO Box 2820

Gainesville FL 32602

Phone:(352) 338-7386

Sheldon A. Guskys (Lobbyist) - Information Only

Public Defender Allocation Methodology

Executive Director, Florida Public Defender Association

103 North Gadsden Street

Tallahassee FL 32301

Phone:(850) 488-6850

Ted Mannelli (Lobbyist) (State Employee) - Information Only

State Attorney Allocation Methodology

Executive Director, State Attorney's Office 11th Judicial Circuit

1777 Michigan Avenue #207

Miami Beach FL 33139

Phone:(850) 212-5372

COMMITTEE MEETING REPORT
Judiciary Appropriations Committee
2/15/2006 9:00:00AM

Location: 28 HOB

Summary: No Bills Considered

Justice Administrative Commission
 Due Process Categories in JAC Budget
 Rolling 12 Month Disbursements by Category
 For the Period 1/01/05-12/31/05

Category	FY 2005-2006 Appropriations	Actual Disbursements	Projected Balance
State Attorney	\$12,004,072.00	\$9,913,569.00	\$2,090,503.00
Public Defender	\$18,000,000.00	\$20,774,854.00	(\$2,774,854.00)
Criminal Conflict	\$37,436,867.00	\$43,635,466.00	(\$6,198,599.00)
Civil	\$23,271,856.00	\$23,780,276.00	(\$508,420.00)
	<u>\$90,712,795.00</u>	<u>\$98,104,165.00</u>	<u>(\$7,391,370.00)</u>

Note: The Fiscal Year 2005-2006 appropriations were used in this analysis and all certified forward payments are also included.

Handwritten: *1/13/06*

Due Process Categories In JAC Budget
Percent Increase in Disbursement for First Seven Months
For Fiscal Years 2004-2005 & 2005-2006

Category	July 2004-Jan 2005	July 2005-Jan 2006	Percentage Increase
State Attorney	4,123,651	5,090,877	23%
Public Defender	7,713,076	10,835,936	40%
Criminal Conflict	5,354,258	21,235,451	297%
Civil	2,829,658	10,980,828	288%
Total Disbursements	20,020,643	48,143,082	140%

Prepared by JAC
Victoria Montalano - 2/07/06

Justice Administrative Commission
Due Process Categories In JAC Budget
Rolling 12 Month Disbursements by Category
For the Period 2/01/05 to 1/31/06

Category	FY 2005-2006 Appropriations	Actual Disbursements	Projected Balance
State Attorney	\$12,004,072.00	\$10,980,828.27	\$1,023,243.73
Public Defender	\$18,000,000.00	\$21,380,095.80	(\$3,380,095.80)
Criminal Conflict	\$37,438,867.00	\$48,865,063.40	(\$9,428,196.40)
Civil	\$23,271,856.00	\$25,821,357.23	(\$2,549,501.23)
	<u>\$90,712,795.00</u>	<u>\$105,047,344.70</u>	<u>(\$14,334,549.70)</u>

Note: The Fiscal Year 2005-2006 appropriations were used in this analysis and all certified forward payments are also included.

Prepared by JAC
Victoria Montalano - 2/07/06

FLORIDA GUARDIAN AD LITEM PROGRAM
FY 2006-07 Legislative Budget Request

The Recurring Appropriation amount is the funding needed for full implementation. The Program estimates that it could implement approximately \$12,554,957 in new funding in FY 2006-2007.

Issue	FTE	Recurring Appropriation
Continuation Budget ⁽¹⁾	418	25,705,257
New Issues		
Increase Staff		
Staff	378.5	17,222,491
Contract Attorneys		
Attorney-GAL - Ages 16 and up		3,379,000
Attorney-GAL - Conflict Cases		750,000
Attorneys ad Litem - Residential Treatment ⁽²⁾		258,000
Orange County Representation		136,000
Circuit Director Pay Adjustment		114,988
Realign Contractual Services		0
Total New Request	378.5	21,860,479
Recurring OPS Appropriation		1,000,000
Total New General Revenue Request		22,860,479
Total Budget Request	796.5	48,565,736

1. This does not include Grants and Donations Trust Fund budget authority.

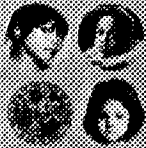
2. Appointment of an Attorney ad Litem is provided for in Rule 8.350 of the Florida Rules of Juvenile Procedure. That provision requires appointment of an attorney ad litem in certain cases where DCF requests that a child be placed in a residential treatment facility. If through DCF's motion, the GAL's report or communication with a party the child indicates that he or she disagrees with DCF's motion, the court is required to appoint an attorney to represent the child. Rule 8.350(6), FL. R. Juv. P.

GUARDIAN
AD LITEM



FLORIDA
Guardian
ad Litem
PROGRAM

GUARDIAN
AD LITEM



Children in Need of Representation



- 43,859 children in need
- 26,272 children represented
- 17,587 without an advocate

GUARDIAN
AD LITEM



Increase in Children Represented



- \$3.3 million in new funds = 2,295 children
- Actual increase from June 2004 = 5,207 children
- Increase due to efficient use of existing resources and new program goals

GUARDIAN
AD LITEM



Representation for Every Child

Pursuant to section 39.8296, the
Statewide Office is to submit
“a proposed plan including
alternatives for meeting the
state's guardian ad litem and
attorney ad litem needs.”



GUARDIAN
AD LITEM



FY 2006/2007 Legislative Budget Request

Issue	FTE	06/07	07/08
Continuation Budget:	418	25,705,257	25,705,257
Increase Staff:	378.5	9,606,469	17,222,491
Attorney-GAL (16+):		1,825,500	3,515,000
Attorney-GAL (Conflict):		750,000	750,000
Attorneys ad Litem (8.350):		258,000	258,000

GUARDIAN
AD LITEM



FY 2006/2007 Legislative Budget Request

Issue

06/07

Circuit Director Pay Adjustment	114,988
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Recurring OPS Appropriation	1,000,000
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GUARDIAN
AD LITEM



FY 2006/2007 Legislative Budget Request

Issue	FTE	06/07	07/08
Continuation Budget:	418	25,705,257	25,705,257
Total Budget Request:	796.5	39,260,216	48,565,736

Judicial Branch Legislative Budget Request FY 2006 - 2007

***House Committee on Judiciary Appropriations
February 14, 2006***

Presenters:

Supreme Court - The Honorable Barbara J. Pariente, Chief Justice of the Supreme Court

**District Courts of Appeal – The Honorable Charles J. Kahn, Jr.,
Chair, District Court of Appeal Budget Commission**

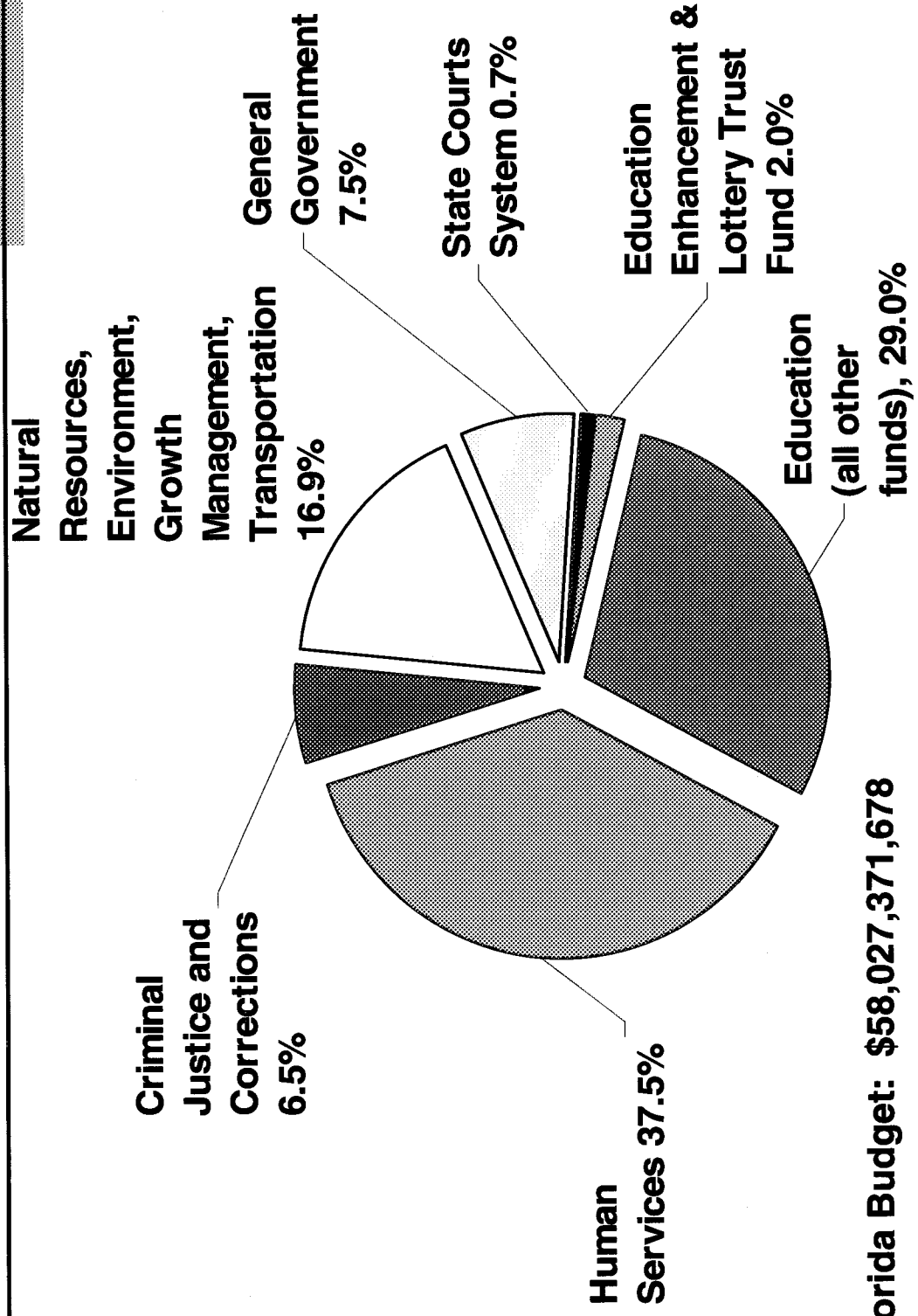
**Trial Courts – The Honorable Stan R. Morris,
Chair, Trial Court Budget Commission**

**OSCA (Office of State Courts Administrator)
Elisabeth H. Goodner, State Courts Administrator**

**Judicial Qualifications Commission – The Honorable James R. Wolf,
Chair, Judicial Qualifications Commission**

Florida's Budget

FY 2004-05

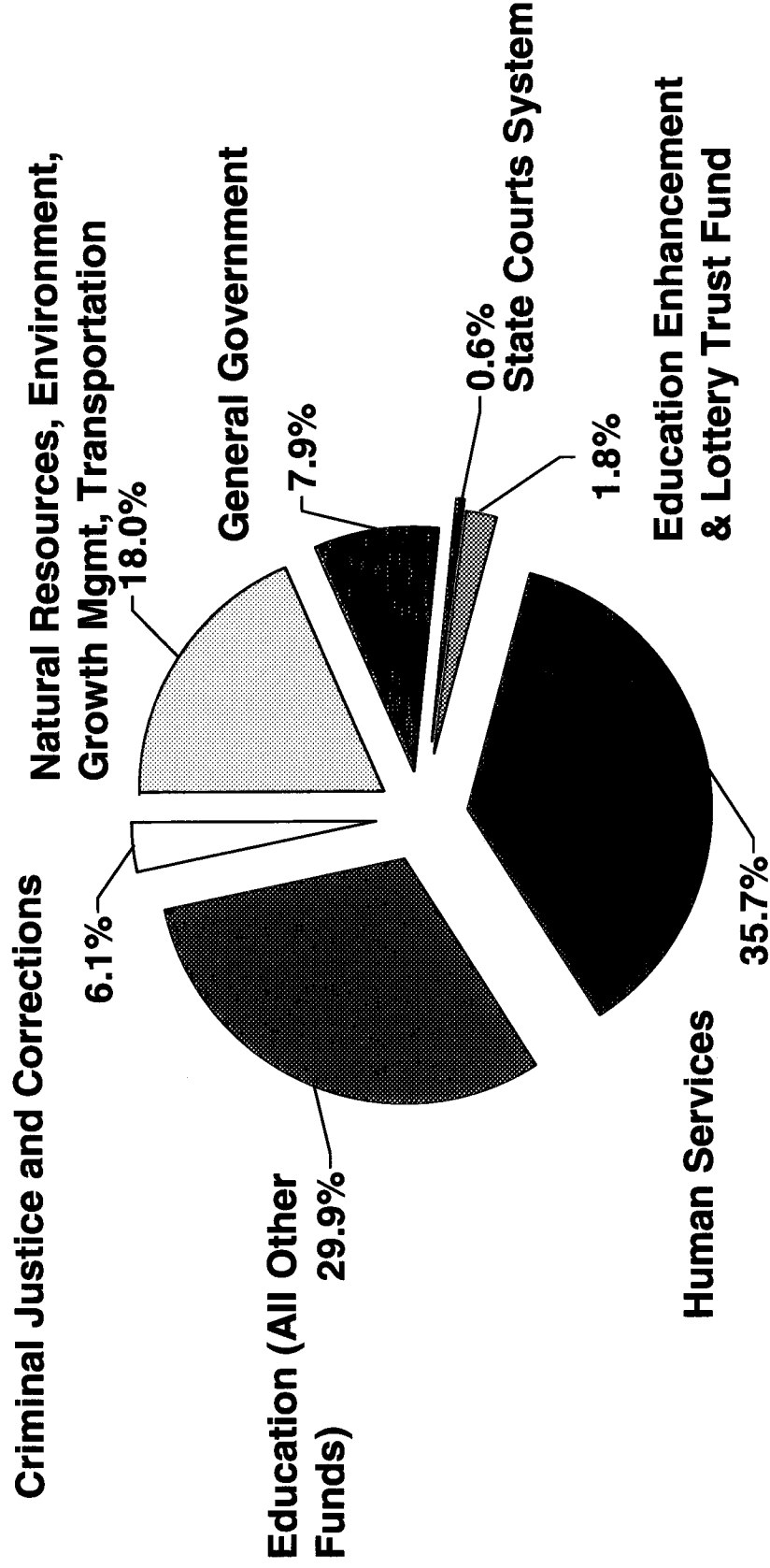


Total Florida Budget: \$58,027,371,678

Source: General Appropriations Act – HB 1835

Florida's Budget

FY 2005-06

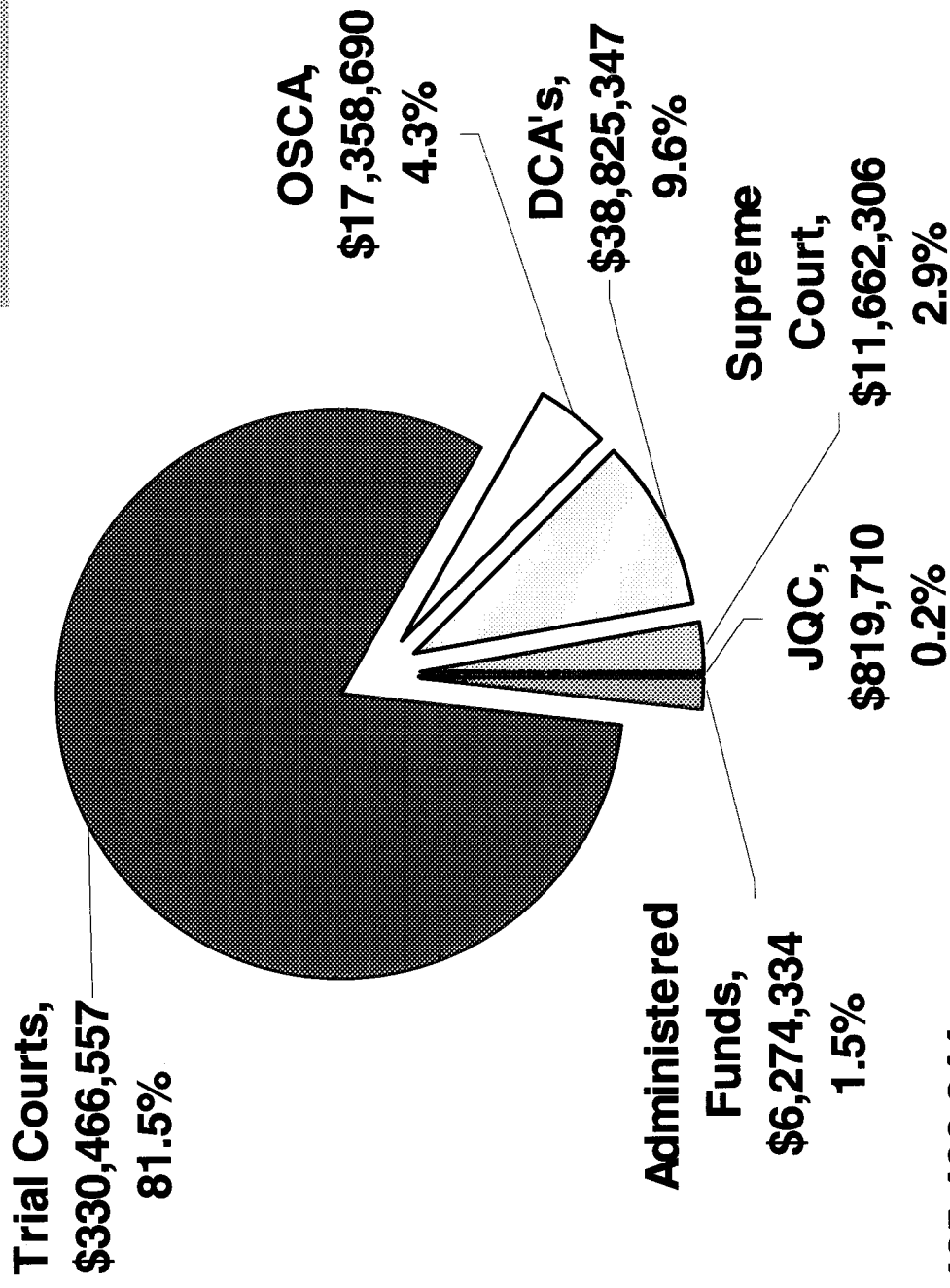


Total Florida Budget: \$62,896,516,224

Source: General Appropriations Act – SB 2600

State Courts System

Appropriations FY 2005-06



Total Budget: \$405,406,944

Supreme Court

**2006-2007 Legislative Budget Request Total:
11.0 FTE, \$18,807,631 (17,156,180 non-recurring)**

➤ Major Building Issues

- Below Ground Water Intrusion: \$2,500,000
- Window Replacement: \$4,937,743
- Air Conditioning System Replacement: \$2,777,500
- Restroom Renovation: \$1,271,000

Supreme Court

2006-2007 Legislative Budget Request (continued)



Supreme Court

2006-2007 Legislative Budget Request (continued)



Supreme Court

2006-2007 Legislative Budget Request (continued)



Supreme Court

2006-2007 Legislative Budget Request (continued)

➤ Security and Basic Maintenance Issues

- Continuation of Site Hardening: \$3,139,964
- Supreme Court Security - 6 FTE, \$621,889
- General Maintenance and Operation: \$287,512
- Preventative Maintenance Program: 2 FTE, \$296,354

Supreme Court

2006-2007 Legislative Budget Request (continued)

➤ Other Building Issues

- Continuation of Courtroom Renovation: \$918,000
- Library Renovation: \$1,128,600
- Floor Finish Replacement Project: \$300,000
- Judicial Meeting Room Renovations: \$187,500

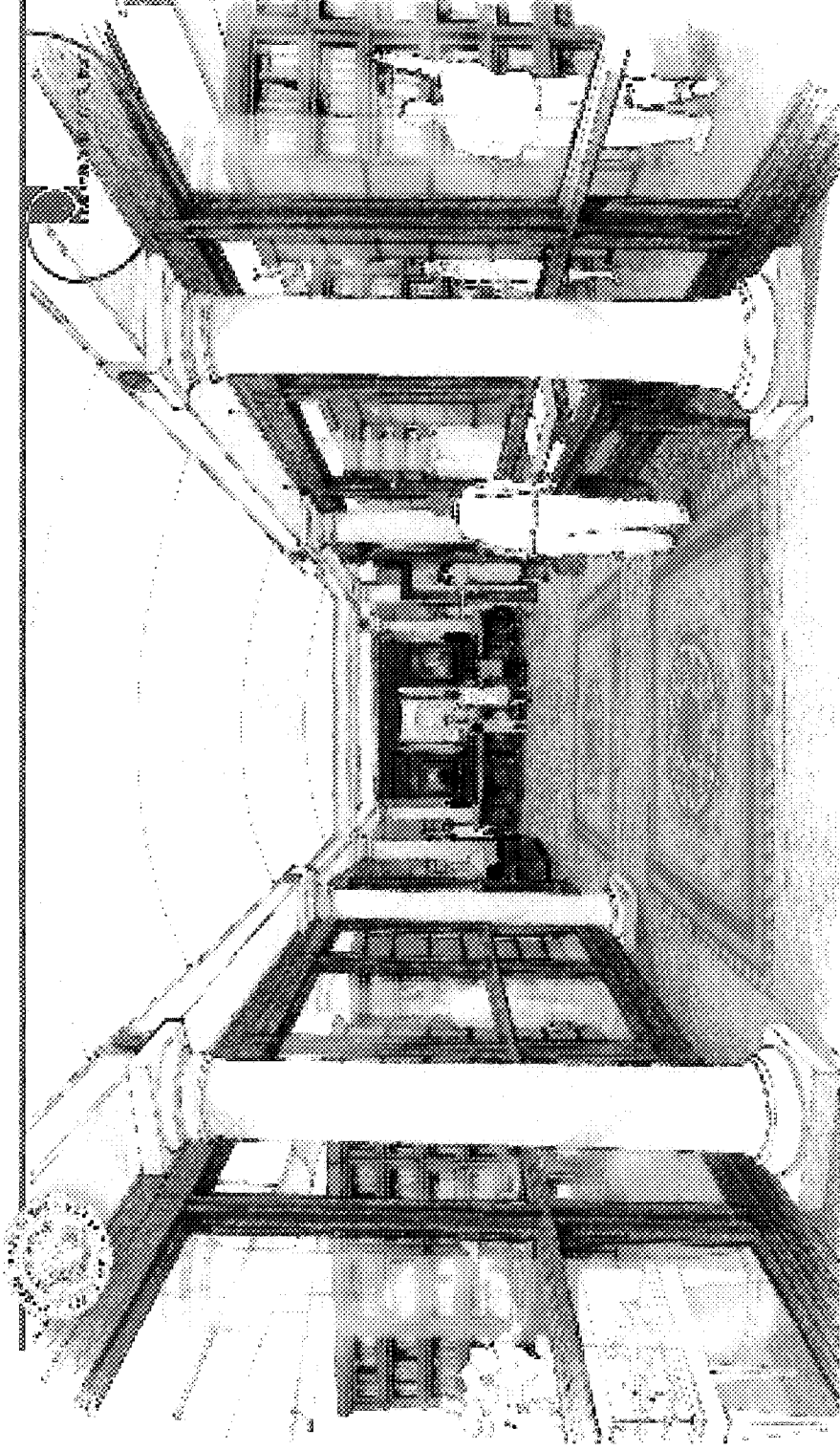
Supreme Court

2006-2007 Legislative Budget Request (continued)



Supreme Court

2006-2007 Legislative Budget Request (continued)



Supreme Court

2006-2007 Legislative Budget Request (continued)

➤ New Positions

- Central Staff Support: 1 FTE, \$89,799
- Inspector General Workload: 1 FTE, \$92,818
- Supreme Court Library Archivist: 1 FTE, \$65,574

Supreme Court

2006-2007 Legislative Budget Request (continued)

➤ Other Operational Issues

- Electronic Records Transition Temporary Support: \$56,000
- Central Staff Support: \$25,000
- Law Related Reference Materials: \$71,628
- Staff Training: \$10,450
- Justice Teaching Institute: \$30,300

Judicial Branch Compensation Issues

2006-2007 Legislative Budget Request Total: \$29,364,344

- **Classification & Pay Study - \$19,632,457**
- **Benchmarking Judicial Salaries - \$5,960,527**
- **100% Paid Benefits for Judges - \$2,019,600**
- **100% Paid Benefits for Attorneys and 100% Paid Benefits and Senior Management Retirement Benefits for Selected Managers - \$1,751,760**

SCS Classification and Pay Study

Reasons for Study:

- Internal Equity for Employees after Revision 7 Transition
- External Equity with other Public Sector Employees

SCS Classification and Pay Study (continued)

Management Advisory Group Findings:

- 54% of the State Courts System entry level salaries were below the average of market survey salaries.
- Limitations with current salary budget generally requires hiring at the minimum of each pay range, making entry level salary critical.
- The majority of State Courts System employees are at the minimum of the pay range or close to it.

SCS Classification and Pay Study (continued)

Management Advisory Group Recommendations:

- Adoption of new compensation schedule that provides greater competitiveness with the market:
- ✓ Adjust salaries of incumbents below minimum up to the new minimum at a recommended cost of \$9.7 million.
- Individual adjustments based on salary lag behind market:
- ✓ Adjust salaries of incumbents to market rate based on 10 years of in class service (increments based on time in class) at a cost of \$9.9 million.

Certification of Need for Additional Judgeships

2006-2007 Legislative Budget Request Total:

149.0 FTE, \$17,239,903 (\$366,334 non-recurring)

- 2 DCA Judges, 2 Judicial Assistants, and 4 Law Clerks:
8 FTE, \$871,801
- 40 Circuit Judges, 40 Judicial Assistants, and 13 Law Clerks - 93 FTE, \$10,664,054
- 24 County Judges, and 24 Judicial Assistants - 48 FTE, \$5,595,148
- Florida Cases Southern 2nd Reporter: \$108,900

District Court of Appeal

2006-2007 Legislative Budget Request Total:

2.0 FTE, \$24,651,724 (\$24,196,434 non-recurring)

Appellate Court Workload

- Central Staff & Administrative Workload: 2 FTE
\$148,411
- Security Services: \$23,343
- Central Staff Support: \$21,057

District Court of Appeal

2006-2007 Legislative Budget Request (continued)

➤ Appellate Court Security Enhancement

- All DCA – Security X-Ray Machine Replacements:
\$175,000
- 3rd DCA – Architect Services for Building Entrance
Reconfiguration: \$100,000
- 5th DCA – Security Camera Replacement: \$28,235

District Court of Appeal

2006-2007 Legislative Budget Request (continued)

➤ Capital Improvement Plan

- 1st DCA – New Court Building Phase I: \$19,795,669
- 3rd DCA – Re-roof Court and Building Annex: \$618,337
- 3rd DCA – Court Ceiling Tile and Lighting Fixture Replacement: \$218,557
- 4th DCA – Building Expansion: \$3,200,000

District Court of Appeal

2006-2007 Legislative Budget Request (continued)

- **Building, Maintenance and Operational Upkeep**
 - 2nd DCA - Lawn/Landscape Services: \$8,712
 - 2nd DCA - Telephone Replacement System: \$49,750
 - 5th DCA - Office Equipment Replacement: \$28,222
 - 5th DCA - Law Library Reference Materials: \$62,148
- **Law Clerk Compensation Plan: \$159,975**
- **National Center for State Courts' Council of Chief Judges: \$14,308**

Trial Courts

**2006-2007 Legislative Budget Request Total:
141.5 FTE, \$27,048,528 (\$3,072,951 non-recurring)**

➤ Due Process Issues

- Expert Witness: \$7,700,000
- Court Reporting: 22.0 FTE, \$6,862,355
- Court Interpreting: 4.0 FTE, \$1,252,966
- Due Process Contingency Fund: \$3,000,000

Trial Courts

2006-2007 Legislative Budget Request (continued)

➤ Other Trial Court Elements

- Trial Court Law Clerks: 42.0 FTE, \$2,840,532
- Mediation/Arbitration: 29.5 FTE, \$2,321,464
- Case Management: 11.0 FTE, \$613,009
- General Magistrate: 6.0 FTE, \$442,278

Trial Courts

2006-2007 Legislative Budget Request (continued)

➤ Other Issues

- Management of Court Appointed Counsel:
27.0 FTE, \$1,515,924
- Equipment Transfer: \$500,000

Office of the State Courts Administrator

2006-2007 Legislative Budget Request Total:

14 FTE, \$2,116,663 (\$437,773 non-recurring)

➤ Court Support Staff and Operations

- Court Education Workload: 3 FTE, \$207,062
- Research, Policy and Operational Policy Support:
4 FTE, \$348,062
- Additional Office Space: \$78,156

Office of the State Courts Administrator

2006-2007 Legislative Budget Request (continued)

➤ Information Systems

- Information Systems Security, Project Management/Planning, and Application Development Workload: 7 FTE, \$655,983
- Resource Management System: \$240,000
- State Courts Network Expansion: \$396,000
- Expansion of the Online Sentencing System: \$191,400

Judicial Qualifications Commission

2006-2007 Legislative Budget Request Total:


2 FTE \$185,620 (\$10,886 non-recurring)

➤ The Judicial Qualifications Commission was created by the Florida Constitution solely to investigate and prosecute Florida state judges for acts of misconduct.

- Hearings and Investigations Workload: 2 FTE, \$185,620

MEMORANDUM
FIRST DISTRICT COURT OF APPEAL
Tallahassee, Florida 32399-1850

To: Members of Appropriations Subcommittee

From: Judge James R. Wolf, Chair 
Judicial Qualifications Commission

Date: February 7, 2006

Re: JQC Budget Increase

The Judicial Qualifications Commission is seeking two FTE's with associated benefits and equipment. The positions are for one staff attorney (Assistant General Counsel) and an assistant. The total increase is \$185,000. Presently the entire JQC staff is an executive director (non-lawyer) as well as two clerical people. There is no attorney on staff and all legal services including complaint review and prosecutions are done by outside counsel through OPS dollars. There is no backup for the executive director or outside general counsel.

Attached are statistics from the American Judicature Society indicating staffing at other state judiciary disciplinary commissions.

I would note Massachusetts has three attorneys on staff, Michigan has four, New Jersey has two, New York has ten, Ohio has eight, Pennsylvania has three, Texas has six, and California has fifteen.

We have not requested a budget increase in four years, and I do not believe our request is excessive

JRW/jt
attachment

Alabama * <i>Unforgettable</i>	<i>We Dare Defend Our Rights</i> YELLOWHAMMER STATE
# of Judicial Officers	700±
# of Complaints	143 (average in 3 years since rule change to require verified complaints) Including phone calls, letters, office visits, the average is 1,120.)
# of Formal Charges	1
# of Attorneys on Staff	1
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$341,000 (average recent years)
SANCTIONS * These sanctions are available to the Court of the Judiciary.	Advisory/cautionary letters Public censure* Suspension without pay* Payment of costs of proceeding* Removal* Imposition of conditions (such as counseling or education)

* Indicates a two-tier system

Alaska <i>North! To Alaska</i>	<i>North to the Future</i> THE LAST FRONTIER
# of Judicial Officers	60 for discipline; 150 for advisory opinions
# of Complaints	50
# of Formal Charges	1
# of Attorneys on Staff	1
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$245,000
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Removal Imposition of conditions (such as counseling or education)

Arizona	<i>Ditat Deus – God Enriches</i> GRAND CANYON STATE
# of Judicial Officers	500+
# of Complaints	340±
# of Formal Charges	2-3
# of Attorneys on Staff	1
# of Investigators (non-attorney)	Full-time 1 Part-time 0
Annual Budget	\$343,000
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand (No, as a general rule, but can be negotiated) Public censure Involuntary retirement Suspension without pay Payment of costs of proceeding Removal Imposition of conditions (such as counseling or education)

Arkansas	<i>Regnat populus-The People Rule</i> THE NATURAL STATE
# of Judicial Officers	400+
# of Complaints	318±
# of Formal Charges	1
# of Attorneys on Staff	2
# of Investigators (non-attorney)	Full-time 1 Part-time 0
Annual Budget	\$547,233
SANCTIONS	Public admonishment or reprimand Public censure Involuntary retirement Suspension without pay Removal Imposition of conditions (such as counseling or education)

<i>California</i> <i>Find Yourself Here</i>	<i>Eureka! – I Have Found It!</i> THE GOLDEN STATE
# of Judicial Officers	1610
# of Complaints	1000±
# of Formal Charges	5±
# of Attorneys on Staff	15
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$3.7 Million
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Involuntary retirement Suspension without pay Removal Imposition of conditions (such as counseling or education)

District of Columbia	THE NATION'S CAPITOL
# of Judicial Officers	103
# of Complaints	25-30±
# of Formal Charges	0
# of Attorneys on Staff	1 attorney in private practice retained to serve as Special Counsel to provide legal and investigative services
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$212,000 (FY 2005)
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Involuntary retirement Suspension without pay Removal Imposition of conditions (such as counseling or education)

Florida	<i>In God We Trust</i> SUNSHINE STATE
# of Judicial Officers	876
# of Complaints	500±
# of Formal Charges	7±
# of Attorneys on Staff	1 (contract basis)
# of Investigators (non-attorney)	Full-time 0 Part-time 1
Annual Budget	\$805,557
SANCTIONS	Public admonishment or reprimand Involuntary retirement Suspension without pay Removal Fine Payment of costs of proceeding Imposition of conditions (such as counseling or education)

Georgia <i>Georgia On My Mind</i>	<i>Wisdom, Justice and Moderation</i> PEACH STATE
# of Judicial Officers	1800±
# of Complaints	350±
# of Formal Charges	N/A
# of Attorneys on Staff	1
# of Investigators (non-attorney)	Full-time 1 Part-time 0
Annual Budget	\$247,000
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Involuntary retirement Removal Imposition of conditions (such as counseling or education) [Suspension without pay (can be ordered by SC only)]

Hawaii	<i>The life of the land is perpetuated in righteousness</i> ALOHA STATE
# of Judicial Officers	125
# of Complaints	39±
# of Formal Charges	1
# of Attorneys on Staff	0
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$54,787
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Involuntary retirement Discipline as a lawyer Fine Suspension without pay Removal Imposition of conditions (such as counseling or education)

Indiana <i>The Welcome Mats Always Out</i>	<i>The Crossroads of America</i> HOOSIER STATE
# of Judicial Officers	430 + pro tems + judicial candidates
# of Complaints	300±
# of Formal Charges	2±
# of Attorneys on Staff	1
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	N/A (Under Supreme Court's budget)
SANCTIONS * Supreme Court only	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure* Involuntary Retirement* Discipline as a lawyer* Fine* Cease and desist order* Suspension without pay* Payment of costs of proceeding* Removal* Imposition of conditions (such as counseling or education)

Louisiana <i>Come as you are! Leave different.</i>	<i>Union Justice and Confidence</i> PELICAN STATE
# of Judicial Officers	375 judges; 390 justices of peace; 250 Mayor's courts
# of Complaints	550±
# of Formal Charges	23 charges re 11 judges in 2003
# of Attorneys on Staff	4
# of Investigators (non-attorney)	Full-time 1 Part-time 0
Annual Budget	\$?
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public censure Involuntary retirement Suspension without pay Removal Payment of costs of proceeding Discipline as a lawyer (recommendation)

Maine <i>Maine Is On The Move</i>	<i>Dirigo! I Lead!</i> PINE TREE STATE
# of Judicial Officers	75
# of Complaints	35-40
# of Formal Charges	>1/year (only 1 case in last 7 years-10 in 26 year history of committee)
# of Attorneys on Staff	1/2
# of Investigators (non-attorney)	Full-time 0 Part-time 1
Annual Budget	\$40,000
SANCTIONS * Supreme Court only	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand* Public censure* Discipline as a lawyer Suspension without pay* Fine* Payment of costs of proceeding* Imposition of conditions (such as counseling or education)*

Massachusetts <i>We'd Love to Show You Around</i>	<i>By the sword we seek peace, but peace only under liberty</i> BAY STATE
# of Judicial Officers	404±
# of Complaints	133-600
# of Formal Charges	1±
# of Attorneys on Staff	3
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$384,748 (FY 2004)
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Payment of costs of proceeding Imposition of conditions (such as counseling or education)

Michigan <i>Great Things To See And Do</i>	<i>If you seek a pleasant peninsula, look about you</i> WOLVERINE STATE/GREAT LAKES STATE
# of Judicial Officers	1100
# of Complaints	600±
# of Formal Charges	3±
# of Attorneys on Staff	4
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$950,000
SANCTIONS * by Supreme Court	Advisory/cautionary letters Private admonishment or reprimand Public censure* Involuntary retirement* Suspension without pay* Removal* Cease and desist order* Payment of costs of proceeding* (??? but it does happen) Imposition of conditions (such as counseling or education)*

Mississippi <i>The South's Warmest Welcome</i>	<i>Virtute et armis – By Valor and Arms</i> MAGNOLIA STATE
# of Judicial Officers	800+
# of Complaints	360±
# of Formal Charges	
# of Attorneys on Staff	2
# of Investigators (non-attorney)	Full-time 1 Part-time 0
Annual Budget	\$411,000
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Involuntary retirement Suspension without pay Removal Fine Payment of costs of proceedings

Missouri <i>Show Me Missouri</i>	<i>The welfare of the people shall be the supreme law</i> SHOW ME STATE
# of Judicial Officers	750
# of Complaints	225±
# of Formal Charges	3±
# of Attorneys on Staff	1
# of Investigators (non-attorney)	Full-time 0 Part-time 1
Annual Budget	\$192,805
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Cease and desist order Suspension without pay Removal Imposition of conditions (such as counseling or education)

Montana <i>Big Sky Country</i>	<i>Oro y plata – Gold and Silver</i> TREASURE STATE
# of Judicial Officers	164
# of Complaints	41 (2003)
# of Formal Charges	0 (2003)
# of Attorneys on Staff	0
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$20,000
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Involuntary retirement Discipline as a lawyer Suspension without pay Removal Payment of costs of a proceeding Imposition of conditions (such as counseling or education)

Nebraska	<i>Equality Before the Law</i> CORNHUSKER STATE
# of Judicial Officers	144
# of Complaints	124 in 2003
# of Formal Charges	3±
# of Attorneys on Staff	1 contracted approximately 20 hours per month
# of Investigators (non-attorney)	Full-time 0 Part-time 1
Annual Budget	\$75,000
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Suspension without pay Payment of costs of proceeding Removal Imposition of conditions (such as counseling or education)

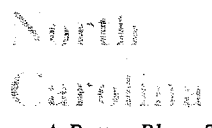
Nevada <i>Discover Both Sides of Nevada</i>	<i>All For Our Country</i> THE SILVER STATE
# of Judicial Officers	297±
# of Complaints	150±
# of Formal Charges	0-2
# of Attorneys on Staff	1
# of Investigators (non-attorney)	Full-time 0 (use private contractor) Part-time 0
Annual Budget	\$450,000±
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Involuntary retirement Suspension without pay Fine Cease and desist order Removal Imposition of conditions (such as counseling or education)

New Hampshire <i>The Road Less Traveled</i>	<i>Live free or die!</i> GRANITE STATE
# of Judicial Officers	125
# of Complaints	80±
# of Formal Charges	1±
# of Attorneys on Staff	1
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$106,000
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Payment of costs of proceedings Imposition of conditions (such as counseling or education)

New Jersey <i>New Jersey and You Are Perfect Together</i>	<i>Liberty and Prosperity</i> GARDEN STATE
# of Judicial Officers	850
# of Complaints	275±
# of Formal Charges	6±
# of Attorneys on Staff	2
# of Investigators (non-attorney)	Full-time 1 Part-time 0
Annual Budget	\$?
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Suspension without pay Removal Imposition of conditions (such as counseling or education)

New Mexico	<i>Crescit eundo – It grows as it goes</i> LAND OF ENCHANTMENT
# of Judicial Officers	300±
# of Complaints	1100±
# of Formal Charges	25-30±
# of Attorneys on Staff	2
# of Investigators (non-attorney)	Full-time 2 Part-time 0
Annual Budget	\$350,000
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Involuntary retirement Cease and desist order Suspension without pay Payment of costs of proceeding Removal Imposition of conditions (such as counseling or education)

New York <i>I Love New York</i>	<i>Excelsior!</i> THE EMPIRE STATE
# of Judicial Officers	3,400
# of Complaints	1450±
# of Formal Charges	20-25
# of Attorneys on Staff	10
# of Investigators (non-attorney)	Full-time 7 Part-time 0
Annual Budget	\$2.3 Million
SANCTIONS	Advisory/cautionary letters Public admonishment or reprimand Public censure Involuntary retirement (for mental or physical disability) Removal

 <i>A Better Place To Be</i>	<i>To be, rather than to seem!</i> OLD NORTH STATE/TARHEEL STATE
# of Judicial Officers	428
# of Complaints	275±
# of Formal Charges	4±
# of Attorneys on Staff	1
# of Investigators (non-attorney)	None on staff-investigations conducted by the State Bureau of Investigation
Annual Budget	\$118,347
SANCTIONS	Advisory/cautionary letters Public censure Removal

Ohio * <i>Heart Of It All</i>	<i>With God, all things are possible</i> BUCKEYE STATE
# of Judicial Officers	700
# of Complaints	600±
# of Formal Charges	4±
# of Attorneys on Staff	8 [We also do attorney discipline]
# of Investigators (non-attorney)	Full-time 2 Part-time 1
Annual Budget	\$2 Million
SANCTIONS	Public admonishment or reprimand Involuntary retirement Discipline as a lawyer Fine (only in campaign cases) Suspension without pay Removal Payment of costs of proceeding Imposition of conditions (such as counseling or education)

* Indicates a two-tier system

Pennsylvania * <i>Memories Last a Lifetime</i>	<i>Virtue, Liberty and Independence</i> KEYSTONE STATE
# of Judicial Officers	1200
# of Complaints	550±
# of Formal Charges	6±
# of Attorneys on Staff	3
# of Investigators (non-attorney)	Full-time 2 Part-time 0
Annual Budget	\$1.2 Million
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Involuntary retirement Suspension without pay Removal Imposition of conditions (such as counseling or education)

Rhode Island <i>And Providence Plantations</i>	<i>Hope</i> THE OCEAN STATE
# of Judicial Officers	120±
# of Complaints	16-20±
# of Formal Charges	1
# of Attorneys on Staff	0
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$128,352 (FY 2004)
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Involuntary retirement Cease and desist order Suspension without pay Removal Imposition of conditions (such as counseling or education)

* Indicates a two-tier system

South Carolina <i>Smiling Faces, Beautiful Places</i>	<i>Prepared in Mind and Resources/ While I Breathe, I Hope</i> PALMETTO STATE
# of Judicial Officers	955
# of Complaints	300±
# of Formal Charges	0-2
# of Attorneys on Staff	2 full-time; 1 part-time
# of Investigators (non-attorney)	Full-time 4 Part-time 0
Annual Budget	\$150,000 [Funding for both the CN on Lawyer Conduct and CN on Judicial Conduct and has therefore been pro-rated by caseload.]
SANCTIONS Supreme Court may impose "any other sanction or requirement it deems appropriate" which might include a fine or a cease and desist order, etc.	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Discipline as a lawyer Suspension without pay Payment of costs of proceeding Removal Imposition of conditions (such as counseling or education)

Texas <i>It's Like A Whole Other Country</i>	<i>Friendship</i> LONE STAR STATE
# of Judicial Officers	3600±
# of Complaints	1000±
# of Formal Charges	1±
# of Attorneys on Staff	6
# of Investigators (non-attorney)	Full-time 3 Part-time 0
Annual Budget	\$889,875 (includes \$75K for payment of formal proceedings expenses only)
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public admonishment or reprimand Public censure Involuntary retirement Suspension without pay Removal Imposition of conditions (such as counseling or education)

Utah <i>The Greatest Snow On Earth</i>	<i>Industry</i> BEEHIVE STATE
# of Judicial Officers	240
# of Complaints	100±
# of Formal Charges	3±
# of Attorneys on Staff	1 full-time; 1 part-time
# of Investigators (non-attorney)	Full-time 0 Part-time 1
Annual Budget	\$220,000
SANCTIONS	Advisory/cautionary letters Public admonishment or reprimand Public censure Involuntary retirement Suspension without pay Removal Imposition of conditions (such as counseling or education)

Virginia <i>Virginia Is For Lovers</i>	<i>Sic Semper Tyrannis - Thus Always to Tyrants</i> OLD DOMINION STATE
# of Judicial Officers	778
# of Complaints	1000±
# of Formal Charges	5±
# of Attorneys on Staff	2
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$480,000
SANCTIONS	Advisory/cautionary letters Private admonishment or reprimand Public censure Involuntary retirement Cease and desist order Removal Imposition of conditions (such as counseling or education)

Washington <i>A little Trip To The Extraordinary</i>	<i>Alki – Bye and Bye</i> EVERGREEN STATE
# of Judicial Officers	500±
# of Complaints	300±
# of Formal Charges	6-8±
# of Attorneys on Staff	3
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$920,000
SANCTIONS * by Supreme Court on recommendation of CJC	Public admonishment or reprimand Public censure Involuntary retirement Suspension without pay* Removal* Imposition of conditions (such as counseling or education)

West Virginia * <i>Wild and Wonderful</i>	<i>Montani Semper Liberi – Mountaineers are always free</i> MOUNTAIN STATE
# of Judicial Officers	345
# of Complaints	250±
# of Formal Charges	3-6±
# of Attorneys on Staff	1
# of Investigators (non-attorney)	Full-time 0 Part-time 4
Annual Budget	Budget is administered by Supreme Court of Appeals of WV
SANCTIONS	Advisory/cautionary letters Public admonishment or reprimand Public censure Fine Suspension without pay Payment of costs of proceeding Imposition of conditions (such as counseling or education)

Wisconsin* <i>Stay Just A Little Bit Longer</i>	<i>Forward</i> BADGER STATE
# of Judicial Officers	850+
# of Complaints	450-500
# of Formal Charges	1±
# of Attorneys on Staff	1
# of Investigators (non-attorney)	Full-time 0 Part-time 0
Annual Budget	\$217,000
SANCTIONS	Public admonishment or reprimand Public censure Suspension without pay Removal

* Indicates a two-tier system

Wyoming <i>Like No Place On Earth</i>	<i>Equal Rights</i> EQUALITY STATE
# of Judicial Officers	150+
# of Complaints	78
# of Formal Charges	1
# of Attorneys on Staff	0
# of Investigators (non-attorney)	Attorney investigators hired on a case by case basis
Annual Budget	\$275,191 (2003-2004 Biennial Budget)
SANCTIONS	Private admonishment or reprimand Public censure Payment of costs of proceeding Removal Imposition of conditions (such as counseling or education)

1 **REPORT ON THE FINDINGS AND AGREEMENTS OF THE**
2 **JOINT TRIAL COURT/OFFICE OF THE STATE COURTS**
3 **ADMINISTRATOR/FLORIDA'S CLERKS OF COURT JOINT**
4 **WORKGROUP ON FUNCTIONS AND DUTIES**

5
6 Membership of the joint Workgroup, established by the Office of the State Courts
7 Administrator (OSCA) and the Florida Association of Court Clerks (FACC), included
8 Mike Bridenback, Trial Court Administrator for the Thirteenth Judicial Circuit, Wayne
9 Peacock, Trial Court Administrator for the First Judicial Circuit, Randy Long, Chief
10 Deputy Clerk, Charlotte County, Mary Grace Curtin, Chief Deputy Clerk, Alachua
11 County, Linda Stanley, Assistant to Clerk, Hillsborough County, Ronnie Weathersby,
12 Chief Deputy Clerk, Bay County, Sheila Wolfe, Court Services Specialist, FACC, Peggy
13 Horvath, Chief of Strategic Planning, OSCA, and Skip White, Senior Court Operations
14 Consultant, Strategic Planning, OSCA. Also attending were Chief Judge Belvin Perry,
15 Ninth Judicial Circuit, J. K. "Buddy" Irby, Clerk, Alachua County, Roger Alderman,
16 Executive Director, FACC, and Lina Juarez, Circuit Judges Judicial Conference.

17 It was agreed that the Workgroup's charge was to clarify "the roles, responsibilities and
18 tasks of the court administrators, Chief Judges and clerks as they relate to case
19 management and court administration."

20 Based on the agreed charge, various matters and issues were reviewed and discussed by
21 Workgroup participants with the following findings and agreements delineated.

22 **CASE MANAGEMENT/CASE MAINTENANCE**

23 Upon Review of the Trial Court Budget Commission's (TCBC) delineation of functions

1 and activities or tasks associated with “Case Management” and the Clerks’ of Court
2 delineation of “Case Maintenance” functions and tasks, it was agreed that those
3 functions and tasks did not represent duplication and over-lap of responsibilities.- It was
4 noted that utilization of certain terms did create misunderstandings and could create the
5 perception of duplication and over-lap. Therefore, the following was agreed:

- 6 – Clerks of Court would no longer use the term “Case Management’ in referring to
7 tasks performed as a function of case maintenance, but would apply the term
8 “case maintenance”.
- 9 – Trial Courts would no longer use the term “Intake” to refer to case screening and
10 evaluation, since initial system case intake is a Clerk of Court function.
- 11 – Trial Court utilization of the term “adjudication support” presented the
12 perception of an “all encompassing” support function without delineation and it
13 was agreed that the appropriate term to define the intent of the function
14 description was “Case Management” and that the term “adjudication support”
15 would no longer be used.

16 The Workgroup agreed that there are counties where Clerks of Court were performing
17 activities or tasks that are associated with what the TCBC has defined as an essential
18 element of the trial courts. Likewise, there are situations where Clerks of Court are
19 performing activities that fall within the ambit of one of the Trial Court’s essential
20 elements. These arrangements are usually based on local conditions or historical
21 practices.

22 The Workgroup was in agreement that upon implementation of Revision 7, each Clerk of
23 Court and each Chief Judge, unless statutorily prohibited, may enter into a mutually

1 agreeable contractual arrangement under which, within specified areas of their respective
2 judicial circuits, one entity would perform activities or tasks that are the responsibilities
3 of the other pursuant to the terms and conditions, including adequate funding specified in
4 such contract.

5 **JURY MANAGEMENT**

6 Workgroup members were in agreement that the commonly used term "Jury
7 Management" refers to two different functions as directed under Florida Statutes, Chapter
8 40. First are the tasks performed by the Clerk of Court and best defined as "jury
9 processing", with the second function being "jury oversight", performed by the Chief
10 Judge or designee. There was agreement that the division of these functions did not
11 result in duplication or over-lap between the Chief Judge and the Clerks of Court.

12 It was noted that in five (5) counties, Palm Beach, Broward, Dade, Orange and Osceola,
13 pursuant to section 40.225 F.S., trial courts do perform both "jury processing" and "jury
14 oversight" functions. Trial Court representatives indicated that the Trial Court Budget
15 Commission would not be seeking state funding for dual functions in those counties.

16 Clerks may contract with the Chief Judge to perform the Jury Management function,
17 through contractual agreement.

18 **COURT BUSINESS OPERATIONS**

19 Court business operations as defined by the Trial Courts, Personnel and Payroll Policies
20 and Administration; Planning and Budgeting Policies and Administration; Finance and
21 Accounting Policies and Administration including grants, Purchasing Policies and
22 Administration and General Services; Property and Records Policies and Administration;

1 and Training and Staff Development are not statutory duties of the Clerks of Court as
2 they relate to Trial Courts and therefore do not represent duplication. The Workgroup
3 was in agreement that in a large number of counties (mostly small and medium size)
4 within multi county circuits the Clerk of Court does perform various court business
5 operational functions that are outside the Clerks' statutory tasks. This historical practice
6 is the result, as with "case management", of the non-availability of Trial Court
7 Administrative personnel in those counties to perform required business functions and as
8 with Case Management non-statutory tasks could be performed by the Clerk on behalf of
9 the Trial Court pursuant to contract if permitted by statute and available funding.

10 **CASE MANAGEMENT INFORMATION ACCESS**

11 A basic constitutional and statutory duty of the Clerk of Court is to maintain the records
12 of the Trial Court and as such is the depository of all case information. It was agreed that
13 to perform differentiated "case management" the Trial Courts will use the official case
14 information and data residing in Clerk of Court case maintenance systems and may
15 access agency systems containing additional information necessary for case management
16 not maintained in the Clerks' case maintenance systems.

17 **CLERK OF COURT RESPONSIBILITY FOR NON-STATUTORY** 18 **DESIGNATED FUNCTIONS AND TASKS**

19 The committee recognizes that unfunded mandates by the legislature or by administrative
20 order may create a substantial fiscal impact upon the operations of the Clerk and the
21 Courts. We also recognize that additional work must be done to minimize the impact of
22 such changes or provide additional funding as required.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is made and entered into by and between the Office of the State Courts Administrator (OSCA), and the Florida Association of Court Clerks (FACC).

Purpose of MOU

- a. The purpose of this MOU is to define the agreement between the OSCA and the FACC regarding the utilization of the Comprehensive Case Information System (CCIS) and providing OSCA access to that data through the web. This will provide the circuit and county judges with information necessary to enable them to perform their statutory duties. By entering into this MOU, the OSCA will ensure that the circuit and county judges will have access to court information.
- b. Notwithstanding any access to data from CCIS, judges and circuit court administration will have unrestricted access to their local county data through the local clerk and also to data in all local counties within their respective circuit for access within that county or circuit. CCIS shall be the source of court-related data maintained by the clerks to be utilized in any case management system developed by the courts.

FILE *[Signature]* *(JF)*

2. Legal Authority

- a. The parties agree that FACC operates CCIS as an agent of the individual clerks of court in partial performance of the clerks' court-related records maintenance function and in that role, FACC is subject to all statutes, court rules and Supreme Court administrative orders applicable to the clerks in the performance of that function.

3. Statement of Need

- a. The OSCA has made it a priority to meet the needs of judges by making court information available electronically.
- b. The clerks of court have made it a priority to make court information available electronically through the CCIS.

4. Definitions

- a. **Web Service** - Web services are services that are made available from a business's web server for Web users or other Web-connected programs. Web services can communicate with other services and this exchange of procedures and data is enabled by a class of software known as middleware.
- b. **Data Download** - Data Downloading is the transmission of a file from one computer system to another. From the Internet user's point-of-view, to download a file is to request it from another computer (or from a Web page on another computer) and to receive it. XML data downloading is usually accomplished via a specialized web service.
- c. **Query Access** - Query Access is defined as a single user requesting information from a search engine or application which answers a specific request for information.

5. Implementation

- a. The FACC will provide the data to the judicial branch from CCIS through web access services for the purposes of circuit/multi-circuit/statewide user query access and data downloads to populate circuit and statewide court applications as defined by the OSCA and OSCA shall use such data for any circuit/multi-circuit/statewide judicial information system it may develop and implement that requires case data and information maintained by the Clerks of Court.
- b. The FACC agrees that the OSCA will be able to request information from the CCIS database system in real-time using Web services developed on mutual specifications.
- c. Once a case is added to a clerk's system, it will be uploaded to CCIS within 24 hours, at which time the case data will be available to the courts. This data will be used as the foundation to create the case management requirements as defined by the court.
- d. The OSCA will not modify any of the data housed in CCIS.

- e. As OSCA advances automated systems in support of the State Courts System, information generated in the systems will be made available to organizations that have a need for this data, including the clerks of court, FDLE, FACC, DOC, and DHSMV. This data will be available utilizing XML definitions. Allowing such access to this data will eliminate duplicate data entry.
- f. Upon execution of this MOU, CCIS query access will be available immediately to OSCA subject to the provisions of Section 6, b and upon mutual acceptance of applicable web services specifications pursuant to Section 5,b.

6. Safeguarding Information

- a. The Parties shall safeguard and maintain the confidentiality of all information received under this Agreement in accordance with Florida constitutional and statutory law, rule 2.051, Florida Rules of Judicial Administration, and Supreme Court administrative orders.
- b. The OSCA agrees that the CCIS access protocol for the judicial branch will comply with the CCIS security policy.

7 Reimbursement of Costs

- a. Each party will provide access to court information at no cost to the other party.

8. Duration

- a. This Agreement shall be effective upon execution by both parties. It may be mutually terminated by written agreement of both parties, or unilaterally by either the OSCA or FACC, provided the terminating party serves the other party with written notice of an intention to terminate the Agreement in no less than 30 days from the date such notice is sent. A written notice of intention to terminate shall include the factual basis and reason for such termination.



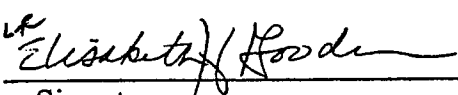
9. Amendments


- a. This Agreement may be subsequently amended by written agreement between the parties.

IN WITNESS HERETO, the PARTIES have executed this Agreement by their duly authorized officials.

**Office of the State Courts
Administrator**

**Florida Association of Court Clerks,
Inc.**

By: 
Signature

By: 
Signature

Elisabeth H. Goodner
Printed Name

Roger H. Alderman
Printed Name

4/28/05
Date

4/28/05
Date

mou-OSCAFINAL2 -- 04/28/05



ATTACHMENT A

ANALYSIS AND RECOMMENDATIONS OF ADMINISTRATION AND PROCESS SUPPORT OF THE TRIAL COURTS

SERVICE ELEMENT ACTIVITY	Clerk of Court		Chief Judge		COMMENTS	RECOMMENDATIONS
	Provide	Authorizing Provision	Provide	Authorizing Provision		
Court Business Operations (Court)						
Personnel & Payroll Policies & Administration	x	none	x	Art. V (2), 43.26	19 Clerks provide Personnel Administration and 31 Clerks provide Payroll Administration for courts	Chief Judge or Contract*
Planning & Budgeting Policies & Administration			x	Art. V (2), 43.26		Chief Judge
Finance & Accounting Policies & Administration, including Grants	x	Art. V (16), Art. VIII (1d), 129.025	x	Art. V (2), 43.26	59 Clerks provide Accounts Payable Services for courts	Chief Judge or Contract*
Purchasing Policies & Administration and General Services	x	none	x	Art. V (2), 43.26	47 Clerks provide Mail Services, 26 Clerks provide Copy Room Services, 21 Clerks provide Office Supply Services, and 19 Clerks provide additional clerical staff for courts	Chief Judge or Contract*
Property & Records Policies Administration			x	Art. V (2), 43.26		Chief Judge
Training & Staff Development			x	Art. V (2), 43.26		Chief Judge
Judicial Operations (Court)						
Courtroom Scheduling & Resource Management			x	Art. V (2), 43.26		Chief Judge
Facilities Space Planning & Management	x	none	x	Art. V (2), 43.26	22 Clerks provide Facilities Management for courts	Chief Judge or Contract*

SERVICE ELEMENT ACTIVITY	Clerk of Court		Chief Judge		COMMENTS	RECOMMENDATIONS
	Provide	Authorizing Provision	Provide	Authorizing Provision		
Caseload Policy, Planning & Management			x	Art. V (2), 43.26		Chief Judge
ADA Policy Planning & Management			x	Art. V (2), 43.26		Chief Judge
Statistical Analysis for Workload & Performance			x	Art. V (2), 43.26		Chief Judge
Inter-Branch & Intergovernment Relations & Policy Coordination			x	Art. V (2), 43.26		Chief Judge
Court Technology Policy Planning & Coordination with Clerks of Court, Counties, State Attorney, Public Defender & Law Enforcement			x	Art. V (2), 43.26		Chief Judge
Jury Oversight (See Jury Management)			x	Art. V (2), 43.26		Chief Judge
Public Information & Education			x	Art. V (2), 43.26		Chief Judge
Coordination of Volunteers & Programs			x	Art. V (2), 43.26		Chief Judge
Security & Disaster Planning & Coordination			x	Art. V (2), 43.26		Chief Judge
Jail Population Monitoring			x	Art. V (2), 43.26		Chief Judge
Legal Resources (Court)						
Mediation Program Resource Management			x	44		Chief Judge or Contract*
Due Process Resources (Court)						
Court Reporting			x	27.006, 390.0115, 394.467, 744.109, 741.30		Chief Judge or Contract*
Integrated (As defined by the Courts include programs that the Clerks have classified as optional)						
Teen Court	x	938.19	x	938.19		Local option by ordinance
Guardian Ad Litem		39.820, 39.8295	x	39 & 61		State Option - this function is proposed to be reassigned

SERVICE ELEMENT ACTIVITY	Clerk of Court		Chief Judge		COMMENTS	RECOMMENDATIONS
	Provide	Authorizing Provision	Provide	Authorizing Provision		
Foster Care Citizen Review	x	39.701	x	39.702 & 318.21		Local option by ordinance
Victim Witness	x	43.35, 960	x	43.35, 960.00		State Attorney
Domestic Violence Intake	x	741.3				Clerk or Contract*
Child Support Enforcement (Private Cases)	x	By Order				Local Option
Jury Management & Processing (Court & Clerk)						
Oversight			x	40.02, 40.225		Chief Judge
Processing	x	40.011, 40.022, 40.221, 40.23, 40.231	x	40.0145, 40.02, 40.221, 40.225	The Chief Judge has assumed Jury Processing in these 5 Counties: Palm Beach, Broward, Dade, Orange and Osceola. This was a statutory selection by Chief Judges	Clerk or Contract*
Financial	x	40.29, 40.32, 40.34, 40.35				Clerk
Case Management (Court)						
Initial Review & Evaluation			x	Art. V (2), 43.26		Chief Judge
Case Differentiation			x	Art. V (2), 43.26		Chief Judge
Pro Se Assistance			x	Art. V (2), 43.26		Chief Judge
Case Monitoring & Tracking			x	Art. V (2), 43.26		Chief Judge
Schedule Events			x	Art. V (2), 43.26		Chief Judge
Coordination of Cases			x	Art. V (2), 43.26		Chief Judge
Service Referral			x	Art. V (2), 43.26		Chief Judge
Service Coordination			x	Art. V (2), 43.26		Chief Judge
Service Monitoring			x	Art. V (2), 43.26		Chief Judge

SERVICE ELEMENT ACTIVITY	Clerk of Court		Chief Judge		COMMENTS	RECOMMENDATIONS
	Provide	Authorizing Provision	Provide	Authorizing Provision		
Service Tracking			x	Art. V (2), 43.26		Chief Judge
Statistical Analysis			x	Art. V (2), 43.26		Chief Judge
Case Processing (Clerk)						
Case Maintenance	x	28.211, 28.13, 92.50	x			Clerk
Records Management (Paper & Electronic)	x	28.13, 28.30, 28.211, 257.36, 43.195.				Clerk
Technology Policy Planning & Coordination	x	28.2221				Clerk
<i>Technical/MIS Support (support function included at the request of the Courts)</i>	x	28.2221			41 Clerks provide Technical/MIS Technical Support for courts	Clerk
Court Preparation & Attendance	x	28.212				Clerk
Administrative Support	x	Art. V (16), Art. VIII (1d)				Clerk
Financial Processing (Clerk)						
Collect & Disburse Fines, Fees & Service Charges	x	219, 318.18, 318.21				Clerk
Collect & Disburse County Probation & Restitution Payments	x	28.24				Clerk
Bond Processing	x	903				Clerk
Process Bond Forfeiture Payments	x	903.26				Clerk
Financial Management	x	28.244, 832.07, 61.181				Clerk
Eminent Domain Deposits	x	28.24				Clerk
Collect & Disburse Proceeds from Abandoned/Unclaimed Property	x	43.19, 116.21, 733.816, 107.744, 534				Clerk
Court Registry	x	28.24				Clerk
Audit Guardian's Annual Account	x	744.365, 744.367				Clerk
Administrative Support	x	Art. V (16), Art. VIII (1d)				Clerk

SERVICE ELEMENT ACTIVITY	Clerk of Court		Chief Judge		COMMENTS	RECOMMENDATIONS
	Provide	Authorizing Provision	Provide	Authorizing Provision		
Information & Reporting (Clerk)						
Make Public/State Agency Copies	x	119, 28.24				Clerk
Provide Copies for Courts	x	119				Clerk
Certifications/Exemplifications	x	28.24				Clerk
Issue Reports	x	25.075, 40.35, 43.19, 705.101, 98.093, 230.355, 938.30, 382, 409.259, 390.01115, 324.111, 943.052, 43.41, 316.650				Clerk
Search Records	x	28.24				Clerk
Respond to Customer Inquiries	x	Art. V (16), Art. VIII (1d)				Clerk
Review Public Records for Exemptions	x	119.07, 985.05, 984.04				Clerk
Provide Case Status or Case Management Reports to Judiciary	x	By Order				Clerk
Administrative Support	x	Art. V (16), Art. VIII (1d)				Clerk
Child Support Depository (Clerk)						
Court Support	x	61.181				Clerk
Collect & Distribute Payments	x	61.181				Clerk
Process Delinquency/Judgments	x	61.14				Clerk
Process Driver License Suspensions	x	61.13016				Clerk
Provide Information & Reports	x	119, 61.181				Clerk
Administrative Support	x	Art. V (16), Art. VIII (1d)				Clerk

*It was recommended by the workgroup that in order to best serve the public and the delivery of justice, there may be instances where contractual agreements may need to be established for the provision of services.

Governor's Recommendations for House Judiciary Appropriations

		Governor's Recommendation				
Line #	Fiscal Year 2006-07	FTE	GR Fund	NR	Other Funds	Total
Justice Administration Comm						
1	SA and PDs for additional judges (93 SA, 46.5 PD)	139.5	5.0			5.0
2	JAC - Registry Attys		0.8			0.8
3	SA- Increase Grant Funding				0.1	0.1
4	PD - reapproval of Co or Municipal Ord contracts	4.0			0.2	0.2
5	SA- Worthless Chks Diversion				0.05	0.05
6	Statewide adjustment for increase in Utilities and Fuel		0.04		0.01	0.05
7	SA - reduce trust authority for expiring grants	-3.0			(0.9)	(0.9)
8	PD- Reduce TF authority				(0.3)	(0.3)
9	Eliminate Contingency Fund		(1.0)			(1.0)
	Total JAC	140.5	4.8	-	(0.9)	3.96
Courts						
1	Additional Judges and support staff per Judicial Certification	164	13.0	0.7	-	13.0
2	Equipment replacement		0.2	0.2		0.2
3	OPS funds		0.08			0.08
4	Court Education	3			0.2	0.2
5	IT workload	3	0.3	0.02		0.3
6	State Courts System		0.4			0.4

Governor's Recommendations for House Judiciary Appropriations

Line #	Fiscal Year 2006-07	Governor's Recommendation				
		FTE	GR Fund	NR	Other Funds	Total
7	Supreme Crt Operational Increase		0.1	0.01		0.1
8	Maintenance for Equipment Transferred per 29.008, FS		0.5			0.5
9	3rd DCA Architectural design for court security at entrance		0.1	0.1		0.1
10	Facility maintenance and Opr Upkeep	1	0.05			0.05
11	Judicial meeting room repairs		0.2	0.2		0.2
12	FCO - Supreme Crt Site Hardening		1.5	1.5		1.5
13	FCO - Supreme Crt A/C replacement		2.8	2.8		2.8
14	FCO - Supreme Crt window replacement		2.45	2.45		2.45
15	FCO - 3rd DCA Roof repairs		0.6	0.6		0.6
16	FCO - 3rd DCA ceiling tile and Lighting		0.2	0.2		0.2
17	Statewide adjustment for increase in Utilities and Fuel		0.1			0.1
18	Member projects in base as non-recurring			0.2		-
19	Eliminate Contingency Fund		(0.8)			(0.8)
	Total Courts	171	21.8	9.0	0.2	22.0
Total Governor's Recommendations		311.5	26.6	9.0	-0.7	25.9

Clerks' Article V Budgets and the Clerks of Court Operations Corporation (CCOC)

Chair: Honorable Maryanne Morse, Seminole Clerk

Vice-Chair: Honorable Howard Forman, Broward County

Secretary/Treasure: Honorable Jeffrey Barton, Indian River County

Honorable Ken Burke, Pinellas County

Honorable Annie Mae Murphy, Taylor County

Honorable Harvey Ruvin, Miami-Dade County

Honorable Tim Smith, Putnam County

Honorable Richard Weiss, Polk County

**February 14, 2006 Presentation
to the House Judiciary Appropriations Committee
John Dew, CCOC Executive Director**

The Florida Clerks of Court Operations Corporation

Authority: -- F.S. Chapter 28 & 29

FI Dept. of Revenue (DOR): administers the Article V Clerks' Operations Trust Fund – collects and disburses funds for Clerks' budgets and transfers balances to the State's General Revenue Fund.

CCOC with Florida Dept. of Financial Services (DFS) contract to:

- 1. set up and operate an Article V budgeting process for Clerks.**
- 2. approve, certify and monitor Clerks' Article V budgets.**
- 3. approve and present supplemental budget requests to the Legislative Budget Commission (LBC) for servicing new judges, magistrates and hearing officers. Amend Clerks' budgets after LBC approves requests.**
- 4. Amend Article V budgets as necessary during fiscal year for revenue shortfalls due to natural disasters and other emergencies and situations.**

CCOC Duties

- 1. Provide reports and information to DFS/Legislature on Clerks' Article V expenditures, revenues, Trust Fund balances and performance; provide annual fiscal management report and provide data/information as requested to DFS, the State of Florida and Clerks.**
- 2. Recommend to the Legislature changes in the various court-related fines, fees, service charges, and court costs established by law.**
- 3. Develop and conduct clerk education programs.**

CCOC's/Clerks' Article V Budget Overview for FY 2005-06

Budgets are “Capped”

- **Set by law** to no more than the % growth in revenues projected from one year to the next for each Clerk.
- **For FY 2005-06:** 29 caps are 4.99% or less; 15 counties have a 2.99% or less cap

Art. V budgets for all 67 Clerks

- Original approved budgets
- LBC authorized amendments for newly authorized judges, magistr.

Total revenues projected: \$ 447 million

Total expenditure budgets: \$ 424 million

EOY projected balance: \$ 23 million

Budget Amendments for Revenue Shortfalls, if required

FY 2004-05 experience: \$4.5 in budget amendments granted by CCOC due to hurricanes impacting revenue collections.

Budget Performance Measures

Outputs: 1,572,934 defendants in Criminal Courts
5,274,644 cases in Civil Courts

Outcomes: 80% of cases processed within __ days

Collection rates for Criminal & Civil Courts

Fiscal Management Report

Budget Observations from First Year

One full budget year of data now available: Oct. 2004-Sept. 2005

*** Seeing actual #s vs. estimates: revenues & expenditures & performance**

FY 2004-05 Observations:

Civil court revenue collection rates: most Clerks appear to be able to meet 90% collection rate standard for civil.

Criminal court revenue collection rates: most Clerks, but not as many, meeting standards for criminal collection rates.

Expenditure trends: Clerks remained within budget caps

Revenue trends: received 4.7% more revenues than projected statewide

Fiscal Benefit to State: \$38.5 million transferred to General Revenue from Clerks in January 2006 through “settle-up” of excess
(Note: Clerks also provided an estimated \$22 million pre-paid up-front from civil filing fees.)

Challenge coming in FY 2006-07 budget preparation:

“Rebasing” budgets is required next year (FY 2006-07) – must recalculate FY 2005-06 budget caps based on actual revenue collection growth rates vs. estimates available when the CCOC approved FY 2005-06 budgets.

Benefits of Current Process

As the CCOC receives more budget and performance measure information each year, the CCOC and individual Clerks can:

1. **Review expenditure trends** and relate them to Article V services and their costs: case processing, financial processing, information and reporting and jury management.
2. **Find and share “Best Practices”** for providing Article V services --focusing on **cost containment and maintaining performance**.
3. **Try to live within “Budget Caps”** based on actual revenue growth percentages rather than normal expenditure growth pressures (e.g. added workload, yearly inflation, health insurance and retirement increases, employee compensation adjustments)

Q & A

CCOC Website: www.flccoc.org

Assess Annual Budget Report by clicking on “Reports”

For more information please contact the CCOC office at
(850) 386-2223.

METHOD OF SELECTING CLERK OF COURT: STATE COURTS OF GENERAL JURISDICTION

APPOINTED 29 COURTS	ELECTED (NONPARTISAN) 3 COURTS	ELECTED (PARTISAN) 32 COURTS	VARIES 2 COURTS
Alaska <i>Superior Court</i>	Florida <i>Circuit Court</i>	Alabama <i>Circuit Court</i>	Louisiana <i>Juvenile and Family</i>
California <i>Superior Court</i>	Louisiana <i>District Court</i>	Arizona <i>Superior Court</i>	Washington <i>Superior Court</i>
Colorado <i>District Court</i>	North Dakota <i>District Court</i>	Arkansas <i>Circuit Court</i>	
Colorado <i>Water Court</i>		Arkansas <i>Chancery/Probate Court</i>	
Connecticut <i>Superior Court</i>		Delaware <i>Court of Chancery</i>	
Delaware <i>Superior Court</i>		Georgia <i>Superior Court</i>	
District of Columbia <i>Superior Court</i>		Idaho <i>District Court</i>	
Hawaii <i>Circuit and Family Court</i>		Illinois <i>Circuit Court</i>	
Iowa <i>District Court</i>		Indiana <i>Circuit Court</i>	
Kansas <i>District Court</i>		Kentucky <i>Circuit Court</i>	
Maine <i>Superior Court</i>		Maryland <i>Circuit Court</i>	
Michigan <i>Court of Claims</i>		Massachusetts <i>Superior Court</i>	
Minnesota <i>District Court</i>		Michigan <i>Circuit Court</i>	
Montana <i>Workers' Comp. Court</i>		Mississippi <i>Circuit Court</i>	
Montana <i>Water Court</i>		Mississippi <i>Chancery Court</i>	
New Hampshire <i>Superior Court</i>		Missouri <i>Circuit Court</i>	
New Jersey <i>Superior Court</i>		Montana <i>District Court</i>	
New Mexico <i>District Court</i>		Nebraska <i>District Court</i>	
New York <i>Supreme Court</i>		Nevada <i>District Court</i>	
New York <i>County Court</i>		North Carolina <i>Superior Court</i>	
Oregon <i>Circuit Court</i>		Ohio <i>Court of Common Pleas</i>	
Oregon <i>Tax Court</i>		Oklahoma <i>District Court</i>	
Rhode Island <i>Superior Court</i>		Pennsylvania <i>Court of Common Pleas</i>	
South Dakota <i>Circuit Court</i>		South Carolina <i>Circuit Court</i>	
Tennessee <i>Chancery Court</i>		Tennessee <i>Circuit Court</i>	
Utah <i>District Court</i>		Tennessee <i>Criminal Court</i>	
Vermont <i>Superior Court</i>		Tennessee <i>Probate Court</i>	
Vermont <i>District Court</i>		Texas <i>District Courts</i>	
Vermont <i>Family Court</i>		Virginia <i>Circuit Court</i>	
		West Virginia <i>Circuit Court</i>	
		Wisconsin <i>Circuit Court</i>	
		Wyoming <i>District Court</i>	